RICHARD W. ERVIN III — 1934-2024

Oct 30, 2024 In Memoriam

Richard W. Ervin III

Richard Ervin, whom friends and colleagues knew as “Dick,” served on the First District Court of Appeal for 30 years.

Born in 1934 in Palatka, FL, Ervin was raised in Tallahassee and graduated from Leon High School in 1953. He attended Florida State University and received his law degree from University of Florida College of Law in 1960.

Ervin began his public service career as an assistant US attorney for the Northern District of Florida. Following that, he served as the public defender from 1963 to1977 and was then elected as a judge on the First DCA in 1977 to 2007, serving as chief judge of the court from 1983 to 1985. He was the last directly elected appellate judge before Florida adopted the current appointment-and-merit-retention system by constitutional amendment in 1976. After his retirement from the court in 2007, Ervin entered private practice in an of-counsel role with Fox & Loquasto, LLC, where he primarily handled workers’ compensation appeals.

The landmark decision in *Gideon v. Wainwright*, decided by the U.S. Supreme Court in 1963, established the right to counsel in criminal cases for indigent defendants. The establishment of public defender offices throughout Florida was a crucial step in ensuring that the right to counsel, as mandated by the *Gideon* decision. Ervin’s appointment as the first public defender for the Second Judicial Circuit, which includes Franklin, Gadsden, Jefferson, Leon, Liberty and Wakulla counties, was a direct result of these changes.

At the time he assumed office, the thought of using taxpayer dollars to pay for an attorney for people accused of crimes who could not afford counsel was not a popular concept. Indeed, his role as public defender was part-time for the first several years, while he also maintained his own private practice. But even in the face of stiff opposition, Ervin successfully convinced local officials to adequately fund the public defender’s office, ensuring that indigent defendants would have access to legal representation.

Ervin continued his career in public service for the next 30 years as a First DCA judge, beginning in January 1977. His sense of justice and commitment to the underpinnings of the public defender's office were reflected in his judicial decisions, which ensured criminal defendants received the right to effective counsel. Early during his tenure, the law was amended to give exclusive jurisdiction over all workers' compensation appeals to the First DCA, and Judge Ervin worked diligently to learn this new area of the law and handle the numerous cases transferred to the court from the Industrial Relations Commission. During his tenure on the court, he wrote over a thousand judicial opinions and participated in far more cases in the panels to which he was assigned. Ervin enjoyed the variety of appeals the First DCA handled, but he was particularly known for his scholarly and well-reasoned decisions in the areas of workers' compensation and administrative law, *inter alia*, and was well-respected throughout the legal community as an outstanding jurist.

Wendy Loquasto, Ervin's long-time law clerk, found working with him at the First DCA to be vastly rewarding.

"He was a great mentor and educator, taking time to explain the development of the law to a new young lawyer, discussing principles of judicial review and philosophy, and listening and valuing the opinions of others, even when they disagreed," Loquasto said. "Working in the Ervin Suite was a team experience, and he was quick to credit us for the work we did. He was a man dedicated to justice, and one could not hope to work with a finer, kinder man."

After his retirement from the court in 2007, Ervin went into private practice with Loquasto and Susan Fox. In his of-counsel position at Fox & Loquasto, he became an invaluable resource for all sorts of workers' compensation appellate issues, including those that were accepted for review by the Florida Supreme Court.

Ervin was the son of Richard W. Ervin, Jr., who was Florida's attorney general in 1949 to 1964 and a Florida Supreme Court justice from 1964 to 1975, himself recognized for his pivotal legal role in desegregating Florida schools. It fell to Richard W. Ervin, Jr., to help carry out a peaceful desegregation of schools, managing to keep Florida's schools open and avoiding the violence in other Southern states where some governors were "standing in the schoolhouse doors" to fight integration.

Much like his father, Ervin was humble, unassuming, and did not seek praise, but was never afraid to champion justice, even when the topic was unpopular. His dissenting opinions have guided the outcome in supreme court decisions such as *Hadden v. State*,

690 So. 2d 573 (Fla. 1997), where the court noted that it had been greatly aided by the thorough analysis in Judge Ervin's dissent.

Ervin's uncle, Robert M. Ervin, carried on the Ervin family tradition of service in the legal profession. He served as president of the Florida Bar from 1965 to 1966. That tradition of service continues today. Ervin's son, Richard W. Ervin IV, is currently a partner in the law firm of Bleakley Bavol Denman & Grace, P.A., where he represents clients in the areas of commercial litigation and appellate practice.